

Regular Session, 2009

ACT No. 48

HOUSE BILL NO. 786

BY REPRESENTATIVE SAM JONES

1 AN ACT

2 To enact R.S. 34:322.1 and to repeal R.S. 34:322, relative to the Morgan City Harbor and
3 Terminal District; to provide for the board of commissioners; to provide for certain
4 powers; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 34:322.1 is hereby enacted to read as follows:

10 §322.1. Board of commissioners; members; vacancy; compensation; officers,
11 agents, and employees

12 A. The governing authority of the district is hereby declared to be a board
13 of commissioners consisting of nine members, who shall be citizens of the United
14 States and qualified voters and taxpayers within the limits of said district during their
15 term of office. The commissioners shall be appointed as follows:

16 (1) Two members shall be appointed by the mayor and council of the town
17 of Berwick.

18 (2) Two members shall be appointed by the mayor and council of the city of
19 Morgan City.

20 (3) Two members shall be appointed by the parish president and council of
21 St. Mary Parish.

22 (4) Three members shall be appointed by the governor, one each from a list
23 of three names submitted by each of the appointing authorities listed in Paragraphs
24 (1), (2), and (3) of this Subsection.

1 B.(1) The appointing authorities, except the governor, provided for in
2 Subsection A of this Section shall provide notice to the public that there shall be an
3 application and interview process for appointments to the board of commissioners
4 of the district. Interviews may be conducted in executive session, but the final
5 nominations and appointments shall be made in an open meeting. An appointee must
6 receive a majority approval of the appointing authority. All appointments shall be
7 subject to Senate confirmation.

8 (2) Each appointing authority required to submit names to the governor for
9 appointment by the governor may use any process it deems advisable to compile the
10 list of names.

11 C. The terms of the initial appointees shall be concurrent with the terms of
12 the appointing authority. Thereafter, the terms shall be for four years.

13 D. Vacancies shall be filled in the same manner as the original appointment.
14 Vacancies shall be filled within ninety days of notification to the appointing
15 authority, from the board, of the existence of a vacancy. If the appointing authority
16 does not fill the vacancy within the ninety-day period, the governor shall make the
17 appointment. These appointees shall meet the same qualifications as provided for
18 in Subsection A of this Section.

19 E. No board member shall serve more than two consecutive four-year terms;
20 however, if an initial appointee's term is one year or less he may be reappointed for
21 two four-year terms. A member who has served two consecutive four-year terms
22 may apply for appointment to the board, provided four years have elapsed since the
23 end of his last term.

24 F. The board shall submit an annual report to each of the appointing
25 authorities no later than June first of each year. The report shall reflect the activities
26 and the financial status of the district.

27 G.(1) The board of commissioners shall serve without compensation;
28 however, it may:

1 (a) Authorize the payment of a reasonable travel allowance for its members
2 in the performance of their official duties, not to exceed the mileage reimbursement
3 rate used by the Louisiana Legislature.

4 (b) Reimburse its members for actual expenses incurred in the performance
5 of their official duties on behalf of the district.

6 (2) The board may employ such officers, agents, and employees as it finds
7 necessary in the performance of its duties, and it may prescribe the duties, powers,
8 and compensation of the officers, agents, and employees.

9 (3) The board of commissioners may contract for legal, financial,
10 accounting, engineering, consulting, and other professional services necessary or
11 expedient in the conduct of its affairs, and it may utilize the services of other
12 executive departments of the state.

13 Section 2. R.S. 34:322 is hereby repealed in its entirety.

14 Section 3. Each member of the board of commissioners serving on the board on June
15 1, 2009, shall continue to serve through the end of their term. Thereafter, vacancies shall
16 be filled in accordance with the provisions of this Act. The first six vacancies shall be filled
17 by the following appointing authorities in the following manner: the city of Morgan City
18 shall fill vacancies in board slots one and four, the town of Berwick shall fill vacancies in
19 board slots two and five, and the St. Mary Parish Council shall fill vacancies in board slots
20 three and six. The governor's appointments shall be to fill vacancies in board slots seven,
21 eight, and nine.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____